

 <b>POLICY &amp; PROCEDURE</b>				
<b>Subject:</b> Public Records Act			<b>Index: Administration</b> <b>Number: 100-05</b>	
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## 1.0 **PURPOSE:**

Public Records Act: The purpose of the Public Records Act is to provide the public with full access to information concerning the conduct of government while being mindful of individuals' rights to privacy and the goal of efficient administration of government. The Public Records Act provides a statutory framework to administer access to public records.

## 2.0 **ORGANIZATIONS AFFECTED:**

All City of Renton employees, officials, and volunteers, and all City of Renton records, regardless of format.

## 3.0 **REFERENCES:**

RCW 40.14 Preservation & Destruction of Public Records  
 RCW 42.56 Public Records Act  
 WAC 44-14 Public Records Act – Model Rules

## 4.0 **POLICY:**

The purpose of establishing the following policy and procedure is to provide a standard by which City staff will review and respond to requests for public records within the guidelines provided by the Public Records Act of Washington State. The information contained in this document is designed to aid both those requesting public records and those responding to the records requests. The policy and procedure should assist in guiding expectations of requestors and providing notice of a mechanism to appeal a records decision if necessary.

The City shall provide for inspection and copying of requested public records as provided in this policy and procedure, unless such records are exempt from disclosure under RCW 42.56 or other law under which disclosure is regulated. City staff shall provide assistance to requestors in obtaining the public records being sought.

## 5.0 **DEFINITIONS:**

- 5.1 **Public Records Officer:** The City Clerk, or designee, is the designated Public Records Officer (PRO). In the absence of the City Clerk, a Deputy City Clerk may act in his/her place. The City's PRO will oversee compliance with the Public Records Act and its procedures. The PRO may delegate the responsibilities of processing requests to other staff. Departments may also designate records coordinators within each department to facilitate access to public records within that department, so long as each coordinator is identified to the PRO.
- 5.2 **City Attorney:** The City Attorney's Office shall provide legal advice to the PRO or designee on those occasions such advice is sought.
- 5.3 **City Staff:** City staff will provide assistance to requestors by ensuring the public records are protected from damage or disorganization to prevent fulfilling public records request from causing excessive interference with the essential functions of the City of Renton. City staff will not directly send responsive records to the requestor. City staff will compile the public records for review by the City Clerk's Office.
- 5.4 **Requestors (General Public):** While requestors are not required to specifically name the Public Records Act when making a request, they must give reasonable notice that the request is being made pursuant to the act. Requestors must request identifiable records or classes of records that the City can reasonably locate even though they are not required to specifically state the exact record sought. The City Clerk, or designee, may seek clarification from the requestor in the event the request is unclear.

While City employees are more than welcome to make public records requests, they must do so as a private individual. City time and resources may not be used to initiate the public records request.

- 5.5 **Public Record Defined:** As defined in RCW 40.14.100 "...The term "public records" shall include paper, correspondence, completed form, bound record book, photograph, film, sound recording, map drawing, machine-readable material, compact disc meeting current industry ISO specifications, or other document regardless of physical form or characteristics, and including such copies thereof, that have been made or received by any agency of the State of Washington in connection with the transaction of public business..."

RCW 42.56.020 defines a public record as "...any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics..."

If there is a conflict in the two definitions, the City, subject to legal review, will apply the broadest definition.

- 5.6 **Email:** Electronic mail (email) is an informational transfer system which uses computers for sending and receiving messages. Email messages are public records when they are prepared, owned, used, or retained by the City and relate to the conduct of government or performance of any governmental proprietary function. Public records are public records regardless of where they are stored.
- 5.7 **Writing:** RCW 42.56.020 states: "Writing means handwriting, typewriting, printing, photo stating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic punch cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated."

## **6.0 PROCEDURES:**

The City of Renton is a Washington municipal corporation that provides a full range of traditional municipal services to its citizens through various departments. City Hall, the central office, is located at 1055 S. Grady Way, Renton, WA 98057.

### **6.1 Making a public Records Request:**

All public records requestors are encouraged to send requests to the Public Records Officer at the City Clerk's Office.

Request forms are available online at the City Clerk's webpage of the City's website.

The City's most efficient means of intake for public records requests would be through email at [cityclerkrecords@rentonwa.gov](mailto:cityclerkrecords@rentonwa.gov), The City also receives requests via fax at (425) 430-6516 or mail to be delivered at:

City Clerk  
City of Renton  
1055 S. Grady Way – 7th Floor  
Renton, WA 98057-3232

Hours: Monday through Friday, 8 a.m. to 5 p.m., excluding state and federal holidays.

If it is not possible to send the request to the Public Records Officer, any City department may receive the records request.

A requestor is not required to state the purpose of the request. However, in instances where additional information is required by law or in an effort to clarify or prioritize a request and provide responsive records, the public records officer or designee may inquire about the nature or scope of the request.

## **6.2 Processing Public Records Requests:**

The Public Records Officer, or designee, will process requests in the order allowing the most requests to be processed in the most efficient manner.

Within five business days of receipt of the request (day one is the first working day after the request is received), the Public Records Officer, or designee, will acknowledge receipt of the request and do one or more of the following:

- a) Make the records available for inspection or copying; or
- b) Identify an internet location where the record can be accessed. Requestors who cannot access the internet may be provided hard copies or access to a City computer to inspect the record; or
- c) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor; or
- d) Provide a reasonable estimate of when records will be available; or
- e) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. The Public Records Officer, or designee, may revise the estimate of when records will be available, or
- f) Deny the request and provide explanation.

## **6.3 Inspection of Records:**

The City of Renton will provide a space for persons to inspect public records in the City Clerk's Office on the 7th floor of Renton City Hall. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the City to copy.

Parties wishing to inspect electronic records may be provided copies of the records on a CD or other storage device or directed to an internet address where the records can be accessed, or may receive records by email. If a requestor cannot access records in these ways, the City may provide hard copies, with applicable fees assessed, or allow a requestor to view copies on an agency computer.

The requestor must make arrangements to claim or review the assembled records within thirty days of notification that the records are available for inspection or copying.

If the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the City may close the request and re-file the assembled records. In the event the requestor submits a new request for the same or almost identical records, the public records request process will start over.

**6.4 Arranging Production of Records:**

After inspection is complete, the Public Records Officer, or designee, shall make the requested copies or arrange for copying. The requestor shall pay any applicable deposit prior to copies being made. Full payment for copies must be received prior to delivery of the requested copies.

**6.5 Providing Records in Installments:**

When the request is for a large number of records or when a portion of the responsive records is more readily available than others, the public records officer or designee may provide access for inspection and copying in installments if he or she reasonably determines that it would be practical to provide the records in that way.

If, within thirty days, the requestor fails to inspect the available installments, the Public Records Officer, or designee, may discontinue his or her search for the remaining records and close the request.

**6.6 Completion of Response to Records Request:**

When the search for requested records is complete and all requested records are provided or made available for inspection, the Public Records Officer, or designee, will indicate that the City has completed a reasonable search for the requested records and made any located, non-exempt records available for inspection or has sent the records to the requestor.

**6.7 Closing Withdrawn or Abandoned Requests:**

When the requestor either withdraws the request or fails to fulfill his or her obligation to timely inspect the records or fails to pay the required amount due for requested copies, the Public Records Officer, or designee, will close the request and indicate to the requestor that the City has closed the request.

**6.8 Later Discovered Documents:**

If, after the City has informed the requestor that it has provided the responsive records, the City becomes aware of additional responsive documents existing at

the time of the request, it will promptly inform the requestor of the additional documents and provide them as soon as possible. However, if the public records request has been closed, and the requestor desires additional records created or obtained by the City after the date of the original request, the requestor must submit a new request.

**6.9 Completion of Request:**

The City's response to a request shall be deemed completed upon the requestor's inspection of the records or upon notification that copies of all of the requested records have been sent electronically or are available for payment and delivery or pick-up, or that no responsive records exist.

**6.10 No Duty to Create New Records:**

The City is under no obligation to create a new record to satisfy a records request; rather, the City must produce existing records for review and copying. Also, the City is not required to compile information from various records so that information is in a form that is more useful to the requestor. However, the City may, at its discretion, create such new records to fulfill the request where the City deems that method of response more expedient.

**6.11 Processing of Public Records Requests – Electronic Records:**

The process for requesting electronic records is the same for requesting public records in hard copy.

When a requestor seeks records in an electronic format, the Public Records Officer, or designee, will provide the non-exempt records or portions of such records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record.

The cost of providing electronic records is addressed in WAC 44-14-07003. It provides in part, "...As with charges for paper copies, "actual cost" is the primary factor in charging for electronic records. In many cases, the "actual cost" of providing an existing copy of the record is de minimis. However, if the agency has a paper only copy of the record and the requestor requests an Adobe Acrobat PDF copy, the agency incurs an actual cost in scanning the record (if the agency has a scanner at its offices.)"

**6.12 Exemptions:**

The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should take note that there are many exemptions contained outside

of the Public Records Act that may restrict the availability for inspection or release of some documents. Many such exemptions are listed on the City webpage. This list is for informational purposes only and failure to list an exemption shall not affect the efficacy of any exemption.

The Public Records Acts does not authorize the City to disclose lists of individuals for commercial purposes.

**6.13 Costs of Providing Copies of Public Records:**

There is no fee for inspecting public records, and a requestor may obtain black and white photocopies at the cost published in the current City of Renton Fee Schedule. Actual costs of supplies and services are billable, such as DVD/CD, mailing/packing supplies, online file delivery service, postage, etc.

**6.14 Organization of Public Records:**

The City finds that maintaining an index as provided in RCW 42.56.070(3) for use by the public would be unduly burdensome and would interfere with agency operations given the high volume, various locations and types of public records received, generated or otherwise acquired by the City.

The City is comprised of numerous departments, their divisions and subdivisions, many if not all of which maintain separate databases and/or systems for the indexing of public records, and because each department, its divisions and subdivisions, maintain records which are diverse and specific to each department, and because various departments within the City have not historically maintained the type of index described in RCW 42.56.070(3), the City finds it would be unduly burdensome, if not physically impossible, to create or maintain either a historical or a current index of all the City's public records existing since date of incorporation, as well as the fact that new records are being created every day.

The City Clerk maintains a limited index consisting of ordinances and resolutions of the City Council, current and historical City Council appointed board and commission rosters, land use applications, and all contracts, franchises, deeds, easements, and leases and similar documents.

**6.15 Review of Denials of Public Records Requests:**

Any person who objects to the initial denial or partial denial of a records request may petition in writing to the Administrative Services Administrator for a review of the decision. The petition must include a copy of or shall reasonably identify the written statement by the Public Records Officer, or designee, denying the request.

The Administrative Services Administrator, or designee, will immediately consider the petition and either affirm or reverse the denial within two business days following receipt of the petition, or within such a time as the City and the requestor mutually agree.

**6.16 Departmental Procedures for Handling Public Records Requests (Internal):**

If a public records request is received by a department other than the City Clerk's Office, that department's records coordinator must immediately date stamp the request the day it was received and forward it to the City Clerk's Office.

There will also be instances when the City Clerk's Office may ask for a department's assistance in locating or compiling records to fulfill a public records request. When this occurs, the records coordinator must keep the following in mind:

- a) All records covered by the public records request must be retained, including any records that may be scheduled for destruction. City staff may not destroy or otherwise delete covered records until the request is fulfilled.
- b) Any record prepared, owned, used or retained by the City of Renton, and that concerns City business, is considered a public record and must be provided to the City Clerk's Office.
- c) The definition of "record" is very broad and includes correspondence, hand-written notes, forms, electronic records (such as email and databases), research records, visual records such as pictures CD(s) or videos, audio recordings, etc.
- d) Requested records may not be destroyed or altered. This includes records that exist at the time a public records request is received by the City even though it may have passed its legal records retention period or is required to be destroyed by a contract.
- e) The City is legally required to identify all responsive records, even those it might choose to withhold from disclosure under one of the Public Records Act permissible exemptions. Thus, all records must be collected and sent to the City Clerk's Office, even those considered confidential or personal, those an outside party considers confidential (such as a vendor or licensee) or personal, or those considered covered by the attorney-client privilege. The City might not release such records if they fall within one of the exemptions to the Public Records Act, but it must provide the requestor a redaction log that identifies all records that are partially or wholly exempt.
- f) If the requestor seeks a potentially large volume of records, the City Clerk's Office must be immediately notified so that it may determine a



prompt timeline for collection of the records. The City Clerk's office may explore with the requestor clarifying, narrowing, or prioritizing the request. The department staff member shall not contact the requestor directly.

- g) Certain records may be found in more than one location within the City. Do not assume that someone else is going to provide records under departmental or divisional control.
- h) When responding to the City Clerk's request for departmental records, send the records directly to the City Clerk's Office. If the public records request is sent to multiple departments, do not combine responses with another department, the City Clerk's Office must receive individual response from each department to determine whether there are responsive records from each department.

**6.17 Records Request Queues:**

Records requests shall be maintained and tracked in record request queues. The queues shall identify the status of the records requests as "pending," "active," or "completed." The Public Records Officer, or designee, will manage the queues.

**6.18 Communications with Requestors:**

The City will use its best efforts to provide requestors with accurate and reasonable estimates of how long it will take to provide records responsive to a request.

If the City learns additional time is needed to respond to the records request, the Public Records Officer, or designee, will promptly communicate the need for additional time to the requestor, inform the requestor of the reason additional time is required, and provide an estimated new timeframe for records delivery.

**6.19 City Employee Responsibilities:**

All City employees are responsible for assisting in identifying responsive records and facilitating thorough collection of records.

The City will provide training to City employees on their obligations under the Public Records Act, including the responsibility of all employees to retain records according to the relevant retention schedule.

For most City employees, producing records in response to records requests is a responsibility assigned in addition to their primary assigned duties and functions.

**6.20 Public Records Performance Report:**

No later than January 31 of each year, the City Clerk will submit to Council a report on the City's performance in responding to public records requests during the previous twelve (12) month period. The report shall include at a minimum:

- a) Open records requests (queue) at the beginning of the period.
- b) Number of requests received during the period.
- c) Number of requests closed in the period.
- d) Amount of time expended by staff (for whom responding is a primary responsibility) in the period.

**6.21 Validity:**

If any Section, Subsection, sentence, clause, phrase, part or portion of this policy is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this policy.